

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

THE MEDICINES COMPANY,

Plaintiff,

v.

DR. REDDY'S LABORATORIES, LTD., et
al.,

Defendants.

Civil Action No.: 3:11-CV-02456-PGS-DEA

RECEIVED

DEC 15 2017

AT 8:30 M
WILLIAM T. WALSH
CLERK

CONSENT JUDGMENT AND DISMISSAL ORDER

This action for patent infringement having been brought by Plaintiff The Medicines Company (“MDCO”) against Defendants Dr. Reddy’s Laboratories Ltd, Dr. Reddy’s Laboratories, Inc., and Gland Pharma, Inc. (collectively, “DRL”) for infringement of United States Patent Nos. 7,582,727 and 7,598,343 (the “Litigated Patents”);

DRL and MDCO have entered into a Settlement Agreement and a License Agreement;

DRL acknowledges that for purposes of this action the Litigated Patents, and all the claims contained therein, are valid and enforceable; and

DRL acknowledges that the submission of DRL’s Abbreviated New Drug Application No. 201577 (“the DRL ANDA”) containing patent certifications pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) to the FDA for the purpose of obtaining regulatory approval to engage in the commercial manufacture, use and/or sale of a lyophilized product containing bivalirudin (the “DRL Product”) before the expiration of the Litigated Patents was a technical act

of infringement of the Litigated Patents, and all the claims contained therein, under 35 U.S.C. § 271(e)(2)(A).

MDCO and DRL now consent to this Judgment and Order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the parties and subject matter of this action.
2. The Litigated Patents, and all the claims contained therein, are valid and enforceable in all respects. This finding is without prejudice to any claim, defense or counterclaim in any future action between MDCO and DRL, or any successors-in-interest, regarding the Litigated Patents and any product other than the DRL Product.
3. All claims, counterclaims and affirmative defenses, which have been or could have been raised by MDCO or DRL in this action with respect to the Litigated Patents, the DRL ANDA or the DRL Product are dismissed without prejudice.
4. Except as authorized or licensed by MDCO or as otherwise provided by the Parties' Settlement Agreement and License Agreement, DRL, its officers, agents, servants, employees, affiliates, successors and all persons in active concert or participation with DRL, are enjoined from using, offering for sale, making, selling, or manufacturing in the United States, or importing into the United States, the DRL Product and/or inducing or assisting others to use, offer for sale, make, sell, or manufacture in the United States, or import into the United States, the DRL Product.
5. In any other or future cause of action or litigation relating to the DRL Product or DRL ANDA, DRL shall not dispute that all the claims of the Litigated Patents are valid and enforceable.

6. The foregoing injunction against DRL shall take effect immediately upon entry of this Judgment and Order by the Court, and shall continue until the expiration of the Litigated Patents.

7. This Judgment and Order is binding upon and constitutes claim preclusion and issue preclusion between the parties in this action or in any other action in the United States between the parties concerning the validity and enforceability of the Litigated Patents with respect to any proceeding involving the DRL ANDA or the DRL Product.

8. The parties waive all right to appeal from this Judgment and Order.

9. This Court will retain jurisdiction as may be necessary for the purposes of enforcing the terms of the Parties' Settlement Agreement and License Agreement, or this Judgment and Order.

10. Each party is to bear its own costs and attorneys fees.

SIGNATURES ARE ON NEXT PAGE
(AGS)

Dated: December 14, 2017

s/ Arnold B. Calmann

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*Attorneys for Plaintiff
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*Attorneys for Dr. Reddy's Laboratories,
Ltd., Dr. Reddy's Laboratories, Inc., and
Gland Pharma, Inc.*

SO ORDERED

Dated: 12/15/17



THE HON. PETER G. SHERIDAN
UNITED STATES DISTRICT JUDGE